

grossed bills have had S. B. No. 101 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Jan. 25, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 93 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

TENTH DAY.

(Wednesday, January 27, 1937.)

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Spears.
Davis.	Stone.
Head.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.
Nelson.	

The following Senators were absent and excused:

Hill.	Shivers.
Newton.	Small.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Leaves of Absence Granted.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Stone.

Senator Hill was granted leave of absence for today on account of the death of his mother, on motion of Senator Oneal.

Senator Newton was granted leave of absence for today, on account of illness, on motion of Senator Oneal.

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Moore.

Senate Bills on First Reading.

The following Senate bills were introduced, read severally first time, and referred by the President to appropriate committees, as follows:

By Senator Collie:

S. B. No. 131 A bill to be entitled "An Act to amend House Bill No. 513, Chapter 205, passed by the 40th Legislature at its Regular Session, approved March 29, 1927, amending Article 455, Revised Civil Statutes of Texas; authorizing the administration of the stockholders' liability fund by the Banking Commissioner; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Banking.

By Senator Collie:

S. B. No. 132, A bill to be entitled "An Act repealing Article 502 of the Revised Civil Statutes of Texas, 1925, relating to insuring deposits by State banks and declaring an emergency."

Referred to Committee on Banking.

By Senator Collie:

S. B. No. 133, A bill to be entitled "An Act repealing Article 543, Chapter I, Title 11, offenses against public policy and economy of the Penal Code of Texas, 1925, relative to making of small loans and declaring an emergency."

Referred to Committee on Banking.

By Senator Collie:

S. B. No. 134, A bill to be entitled "An Act amending Section 4 of Senate Bill 165, Chapter 165, passed by the Forty-second Legislature, at its regular session; prescribing the duties of certain financial corporations therein defined with respect to publication of statements and with respect to the payment of certain filing fees; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Referred to Committee on Banking.

By Senator Collie:

S. B. No. 135, A bill to be entitled "An Act to amend Article 543 of Chapter 9, Title 16 of the Revised Civil Statutes of Texas; authorizing the organization of loan and investment companies; providing for the submission of articles of agreement to the Banking Commissioner of Texas; providing for the issuance of a charter by that officer; repealing all laws and parts of laws in conflict therewith and declaring an emergency."

Referred to Committee on Banking.

By Senator Small:

S. B. No. 136, A bill to be entitled "An Act amending House Bill No. 189, Acts Regular Session, Forty-fourth Legislature as amended by Acts Second Called Session, Forty-fourth Legislature, House Bill No. 127, Chapter 469, Section 4b thereof, providing a quorum for the Board and that said Board may prescribe necessary rules and regulations for its own conduct and for the enforcement of the provisions of this law by amending Section 10a of said bill authorizing the State Board of Cosmetology with the approval of the State Board of Health to prescribe sanitary rules to prevent the spread of contagious diseases, providing regulations for owners or managers of hairdressing and cosmetological shops or schools of beauty culture, declaring it unlawful for any person to practice as a hairdresser except in the homes of customers and bona fide beauty shops, declaring the establishment of home beauty shops unlawful. Amending Section 11a thereof regulating the requirement of beauty schools and requiring a school term of not less than 1500 hours to be complete in not less than nine months. Amending Section 11 by adding thereto Section 11b providing for the qualifications of instructors. Amending Section 14 by adding Sections 14a and 14b providing that only graduates from a licensed beauty school may be admitted to examination by the Board requiring two years high-school education in an accredited high school for applicants. Amending Section 18 by adding thereto Section 18d providing for an inspection fee for all new schools, making it unlawful for a person to operate or manage

a beauty shop unless they have held a license as an operator in the State for a period of not less than two years. Amend Section 21-A by adding another Section 21-B making it unlawful for a cosmetological establishment to employ anyone except licensed operators; amending Section 19 and Section 20 of Chapter 116, Acts of the Regular Session of the Forty-fourth Legislature, and declaring an emergency."

Referred to Committee on Public Health.

By Senator Rawlings:

S. B. No. 137, A bill to be entitled "An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas; amending Section 1 of H. B. No. 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature, as amended by Section 1 of H. B. No. 417, Chapter 355, Acts of the Regular Session of the Forty-fourth Legislature; repealing all laws in conflict herewith; and declaring an emergency."

Referred to Committee on Finance.

By Senator Redditt:

S. B. No. 138, A bill to be entitled "An Act making appropriations for the support and maintenance of the executive and administrative departments and agencies of the State government for the two-year period beginning September 1, 1937, and ending August 31, 1939, and for other purposes; and declaring it unlawful for persons employed in the several departments to engage in political campaigns relating to election or reelection of any candidate or candidates for the head of such department and any public office and prescribing procedure for removal of such employees; and making it unlawful to use any State-owned automobile in connection with any campaign relating to any measures in which the particular department by which the employee is employed is directly interested and/or in behalf of the election or re-election of any person as the head of such department; and prescribing certain other regulations and restrictions in respect to the appropriations made herein, and declaring an emergency."

Referred to Committee on Finance.

By Senator Redditt:

S. B. No. 139, A bill to be entitled "An Act making appropriations for the support, maintenance, operation, and improvement of the State institutions of higher learning for the two (2) fiscal years beginning September 1, 1937, and ending August 31, 1939, and for certain other educational agencies of the State, prescribing certain restrictions concerning the expenditure of said appropriations, and declaring an emergency."

Referred to Committee on Finance.

By Senator Redditt:

S. B. No. 140, A bill to be entitled "An Act making appropriations for the support, maintenance and improvement of the Eleemosynary Institutions of the State of Texas for the two-year period beginning September 1, 1937, and ending August 31, 1939, and prescribing certain regulations and restrictions in respect to the expenditure of said appropriations, and declaring an emergency."

Referred to Committee on Finance.

By Senator Redditt:

S. B. No. 141, A bill to be entitled "An Act making certain emergency appropriations for the office of the Secretary of State, and declaring an emergency."

Referred to Committee on Finance.

By Senator Redditt:

S. B. No. 142, A bill to be entitled "An Act amending Section 36 of H. B. No. 521 of the Regular Session of the Forty-fourth Legislature so as to appropriate all fees collected thereunder for the use of the Secretary of State in enforcing said bill, and declaring an emergency."

Referred to Committee on Finance.

By Senator Redditt:

S. B. No. 143, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal year ending August 31, 1936, and declaring an emergency."

Referred to Committee on Finance

By Senators Redditt and Lemens:

S. B. No. 144, A bill to be entitled "An Act amending Articles 4925 and 4926, Revised Civil Statutes, 1925, so as to clarify the same by providing that the total recoveries permitted

on the bonds therein provided for shall not exceed the face value of the bonds, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Redditt:

S. B. No. 145, A bill to be entitled "An Act increasing the amount that may be allowed by county boards of trustees to the county superintendents of public instruction for expenditures for office and traveling expenses in counties with a population or not less than thirty thousand, two hundred (30,200) nor more than thirty thousand five hundred (30,500); and in counties with a population of not less than twelve thousand (12,000), nor more than twelve thousand five hundred (12,500); and in counties with a population of not less than twenty seven thousand five hundred (27,500), nor more than twenty eight thousand (28,000); and in counties with a population of not less than eleven thousand five hundred (11,500), nor more than twelve thousand (12,000); and in counties with a population of not less than twelve thousand five hundred (12,500), nor more than thirteen thousand (13,000); and in counties with a population of not less than seventeen thousand (17,000), nor more than seventeen thousand five hundred (17,500); and in counties with a population of not less than eleven thousand (11,000), nor more than eleven thousand five hundred (11,500), according to the last preceding Federal Census; repealing all laws or parts of laws, general or special, in conflict therewith, and declaring an emergency."

Referred to Committee on Educational Affairs.

By Senator Stone:

S. B. No. 146, A bill to be entitled "An Act to amend Article 3875 (5898), Title 60, Revised Civil Statutes of the State of Texas, 1925, to provide for the use of funds collected under this title for research and research facilities relating to the administration of the Feeding Stuff Law and for other purposes."

Referred to Committee on Agricultural Affairs.

By Senator Pace:

S. B. No. 147, A bill to be entitled "An Act amending Chapter 141, Acts 40th Legislature, Regular Session, as

amended by Chapter 246, Acts 42nd Legislature, Regular Session, creating the Office of the Veterans' State Service Office attached to the Adjutant General's Department; providing for the appointment of a Veterans' State Service Officer and certain Assistant Veterans' State Service Officers, and other necessary personnel; defining the qualifications, authority and duties of such officers; fixing and authorizing payment of their salaries, travel and other expenses; providing that the main office shall be located in Austin, Travis County, Texas; and repealing all laws and parts of laws in conflict thereto."

Referred to Committee on Finance.

By Senator Davis:

S. B. No. 148, A bill to be entitled "An Act to amend Chapter 10, Title 78, Revised Civil Statutes of Texas, 1925, by adding a new article thereto immediately following Article 4916, said new article to be known as Article 4916a and which shall provide that no provision of the Acts creating the State Insurance Commission or the Board of Insurance Commissioners, or relating to the supervision or operation of insurance companies in this State, shall be construed to prohibit any insurance company issuing any insurance policies of any kind in this State from extending to any insured in this State the benefit of any saving it effects in the acquisition cost of the business of such insured; limiting the amount of any discount or rebate hereunder, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Davis:

S. B. No. 149, A bill to be entitled "An Act to amend Article 5056, Chapter 21, Title 78, Revised Civil Statutes of Texas, 1925, defining who are insurance agents and exempting from the provisions of the act citizens of this State who arbitrate in the adjustment of losses between the insurers and insured; practicing attorneys in the regular transaction of their business; citizens of this State, acting in the regular transaction of their duties as the employed representative of the insured who negotiate or arbitrate in the purchase of insurance in behalf of such insured

and making it unlawful for any company to pay any commission or compensation to any such employed representative of any insured, and authorizing any insurance company transacting any kind of an insurance business in this State to grant a discount or rebate to any insured, whose business is negotiated through such employed representative, equal to the expense it usually incurs in the acquisition of such class of business; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Westerfeld:

S. B. No. 150, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts refunding to the heirs, devisees, legatees or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the public treasury; authorizing the payment of such claims on the taking effect of this Act and the filing with the Comptroller of such a copy of the order of the court under seal of the court, and declaring an emergency."

Referred to Committee on Finance.

By Senator Winfield:

S. B. No. 151, A bill to be entitled "An Act making appropriations to defray the costs assessed against the State of Texas of the Rio Grande joint investigation being conducted by the National Resources Committee, through the Water Resources Committee, constituted under Act of Congress, and making appropriations to pay the court costs and expenses of the Attorney General in the prosecution of the complaint of the State of Texas in the cause of the State of Texas vs. The State of New Mexico, et al., No. 12 Original, October Term, 1936, in the Supreme Court of the United States, and declaring an emergency."

Referred to Committee on Finance.

By Senator Neal:

S. B. No. 152, A bill to be entitled "An Act authorizing the creation of county and district mosquito control districts; providing the method of creation and financing such districts, providing for the appointment

of county and district mosquito control commissions; prescribing the duties thereof and the duties of the State Health Officer, and declaring an emergency."

Referred to Committee on Public Health.

By Senator Spears:

S. B. No. 153, A bill to be entitled "An Act to amend Article 3139 of the Revised Civil Statutes of Texas, 1925, so as to provide for the election of sixty-two members to the State Executive Committee of any political party, one man and one woman from each senatorial district, and providing for meetings of all party State conventions for this purpose; places and times for meetings; length of sessions; election of chairman; and providing method for filling vacancies, and declaring an emergency."

Referred to Committee on Privileges and Elections.

By Senators Nelson, Burns, West-
erfeld, Hill, Lemens, Van Zandt and Davis:

S. B. No. 154, A bill to be entitled "An Act to amend Article 1856 Revised Civil Statutes of Texas so as to confine reversals for errors to substance and merit, by adding thereto certain provisos to the effect that the Courts of Civil Appeals shall not reverse a judgment for errors not calculated to cause and which probably did not cause rendition of an improper judgment, or probably prevented appellant from making a proper presentation of the case on appeal; and authorizing reversal only of part of matter in controversy where severable from other parts; and authorizing the appellate court to require the trial court to correct errors in certain cases; and authorizing allowance of amendments to pleadings in appellate court where this may be done without detriment to substantial rights of parties; and providing that invalidity of a part of this Act shall not invalidate any other part; and repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Nelson, Burns, West-
erfeld, Hill, Lemens, Van Zandt and Davis:

S. B. No. 155, A bill to be entitled "An Act amending Article 2189 of the Revised Civil Statutes of Texas, 1925, relating to special issues in civil cases; providing the court may submit cause upon such issues with or without request of either party, shall submit the cause upon special issues raised by the pleadings and the evidence; such special issues shall be submitted separately; provided the court shall not be required to submit affirmatively an issue which once has been fairly submitted negatively and the converse; providing that each issue shall be answered separately by the jury; providing that the court shall submit explanations and definitions of words and legal terms; providing court shall not be required to define words and legal terms unless requested in writing by one of the parties; providing that the failure of the trial court to define legal terms used in the charge shall not be a ground for reversal unless it appears that before the case was submitted to the jury the complaining party prepared and tendered to the trial court a written charge properly defining such terms; providing if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senators Nelson, Burns, West-
erfeld, Hill, Van Zandt and Davis:

S. B. No. 156, A bill to be entitled "An Act to amend Articles 2203, 2204, 2205, 2206 of Chapter 8, Title 42, of the Revised Civil Statutes of Texas, 1925, relating to the form of verdicts of juries in civil cases so as to provide that in the trial of civil cases nine members of the jury concurring may render a verdict in the district court; and five jurors concurring may render a verdict in the county court, county court at law, and courts of justices of the peace; and providing for the polling of juries and repealing of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Brownlee:

S. B. No. 157, A bill to be entitled "An Act amending Article 5714 of the Revised Civil Statutes of the

State of Texas, of 1925, as amended by Chapter 83, Section 1, Acts of the Regular Session of the Forty-second Legislature, giving the Commissioner of Agriculture authority to make specific regulations with reference to specifications and tolerances for weighing and measuring devices and their use, and declaring an emergency."

Referred to Committee on Agriculture.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 27, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. C. R. No. 10, In memoriam of Dr. James Quayle Dealey, of Dallas, Texas.

(With amendment.)

H. B. No. 65, A bill to be entitled "An Act making an appropriation of Nine Thousand (\$9,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to the State Tax Board to pay the expenses of the supervisory staff of the State-Wide Tax Survey now being conducted in this State as a Works Progress Administration project, as approved by House Concurrent Resolution No. 5, passed by the First Called Session of the Forty-fourth Legislature, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill on First Reading.

H. B. No. 65, received from the House today, was laid before the Senate, read first time, and referred by the President to the Committee on Finance.

House Bill No. 65.

Senator Holbrook moved that the constitutional rule limiting consideration and passage of bills during the earlier days of the Regular Ses-

sion of the Legislature be suspended to allow consideration in committee and passage by the Senate of H. B. No. 65.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the membership of the Senate):

Yeas—23.

Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Head.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Van Zandt.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Oneal.	

Nays—1.

Aikin.

Absent.

Beck.	Weinert.
Davis.	

Absent—Excused.

Hill.	Shivers.
Newton.	Small.

Senate Resolution No. 3.

The President laid before the Senate, for consideration at this time:

S. R. No. 3, To provide for the permanent rules of the Senate of the Forty-fifth Legislature Nos. 1 to 101, inclusive.

Senator Rawlings offered the following committee amendments to the resolution:

Committee Amendment No. 1.

Amend Senate Rule No. 99b, as contained in Senate Resolution No. 3, line 14, page 3, by striking out the words "two-thirds" and substituting in lieu thereof the words "a majority."

Committee Amendment No. 2.

Amend Senate Rule No. 15, as contained in Senate Resolution No. 3, page 3, by striking out the second sentence of the rule.

Committee Amendment No. 3.

Amend Senate Rule No. 99b, as contained in Senate Resolution No. 3, page 3, line 9 from the top of the page, by adding immediately after the word "committee" in parenthesis, the following: "(Sundays and days the Senate is not in session excepted.)"

And
in line 8 from the top of page 3, immediately after the word "days" add in parenthesis the following: "(Sundays and days the Senate is not in session excepted.)"

Also
after the word "days" in line 11 from the top of page 3, of Senate Resolution No. 3, add in parenthesis the following: "(Sundays and days the Senate is not in session excepted.)"

Committee Amendment No. 4.

Amend Senate Rule No. 99b, as contained in Senate Resolution No. 3, page 3, line 4 from the top of the page, by striking out the words "two members," and inserting in lieu thereof the following: "three members (if the membership of the committee is composed of ten or less; and four members, if it is composed of more than ten.)"

Committee Amendment No. 5.

Amend Senate Rule 99b, page 3, at the end of line from the top of the page, by adding the following: "or the sponsor of the bill."

Committee Amendment No. 6.

Amend Senate Rule 96 by striking out the last sentence thereof.

Senator Aikin offered the following amendment to Committee Amendment No. 4:

Amend Committee Amendment No. 4 to S. R. No. 3 by striking out all below the word "Following," and insert in lieu thereof the following:

"Two members, if the committee is composed of ten or less and three members if composed of more than ten."

The amendment to the Committee Amendment No. 4 was adopted.

Senator Oneal offered the following amendment to the resolution:

Amend S. R. No. 3 by striking out Rule No. 99 as proposed in S. R. No. 2, and substituting Rule No. 99 of Senate of the Forty-fourth Legislature.

Senator Rawlings moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—7.

Brownlee.	Redditt.
Holbrook.	Stone.
Moore.	Weinert.
Rawlings.	

Nays—19.

Aikin.	Oneal.
Beck.	Pace.
Burns.	Roberts.
Collie.	Spears.
Cotten.	Sulak.
Davis.	Van Zandt.
Head.	Westerfeld.
Isbell.	Winfield.
Lemens.	Woodruff.
Nelson.	

Absent.

Neal.

Absent—Excused.

Hill.	Shivers.
Newton.	Small.

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—20.

Aikin.	Nelson.
Beck.	Oneal.
Burns.	Pace.
Collie.	Roberts.
Cotten.	Spears.
Davis.	Sulak.
Head.	Van Zandt.
Isbell.	Westerfeld.
Lemens.	Winfield.
Neal.	Woodruff.

Nays—7.

Brownlee.	Redditt.
Holbrook.	Stone.
Moore.	Weinert.
Rawlings.	

Absent—Excused.

Hill.	Shivers.
Newton.	Small.

Senator Woodruff offered the following amendment to the resolution:

Amend S. R. No. 3 by inserting at appropriate place the following:

"A majority of a committee shall constitute a quorum for transaction of committee business, and a majority of those present acting under a quorum shall be required for committee action.

Senator Rawlings raised a point of order to bar consideration of the amendment by Senator Woodruff for the reason that the change proposed by the amendment has already been effected.

The President sustained the point of order.

Senator Van Zandt offered the following amendment to the resolution:

Amend amendment to Rule 98 by striking out the words, "at least forty-eight hours," and by adding thereto the following, "provided a majority vote present on any committee may direct otherwise."

Senator Rawlings moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Aikin.	Oneal.
Beck.	Rawlings.
Brownlee.	Redditt.
Burns.	Roberts.
Davis.	Spears.
Head.	Stone.
Holbrook.	Weinert.
Isbell.	Winfield.
Moore.	

Nays—8.

Collie.	Sulak.
Cotten.	Van Zandt.
Nelson.	Westerfeld.
Pace.	Woodruff.

Present—Not Voting.

Lemens.

Absent.

Neal.

Absent—Excused.

Hill.	Shivers.
Newton.	Small.

Question—Shall the committee amendments as amended be adopted?

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 13, Providing for the appointment of a joint committee from the House and Senate for the purpose of entering into compact with the State of Oklahoma relative to use of the Red River by Texas citizens.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Message From the Governor.

The President directed the Secretary to read the following message from the Governor:

Austin, Texas, Jan. 26, 1937.

To the Senate of the Forty-fifth Legislature:

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be Adjutant General for the ensuing biennium:

Carl Eugene Nesbitt, of Mineola, Wood County. (Reappointment.)

To be State Commissioner of Labor Statistics for the ensuing biennium:
F. E. Nichols, of Ennis, Ellis County. (Reappointment.)

To be State Auditor and Efficiency Expert for the ensuing biennium:

Tom King, of Dallas, Dallas County. (Reappointment.)

To be Banking Commissioner for the ensuing biennium:

Zeta Gossett, of Fort Worth, Tarrant County. (Reappointment.)

To be Members of the Board of Regents for the State Teachers Colleges:

A. H. Eubanks, of McKinney, Collin County. (Reappointment.)

John E. Hill, of Amarillo, Potter County. (Reappointment.)

W. B. Bates, of Houston, Harris County.

To be Members of the Board of Directors of A. and M. College:

H. C. Schumacher, of Houston, Harris County. (Reappointment.)

Raleigh White, of Brady, McCulloch County. (Reappointment.)

Elliott Roosevelt, of Fort Worth, Tarrant County.

To be Members of the State Board of Public Accountancy:

Frank Wilcox, of Waco, McLennan County. (Reappointment.)

Jay Phillips, of Houston, Harris County.

J. B. Allred, of Wichita Falls, Wichita County. (Reappointment.)

C. M. Grider, of El Paso, El Paso County. (Reappointment.)

Jake Freeze, of San Angelo, Tom Green County.

To be Members of the Livestock Sanitary Commission:

L. J. Wardlaw, Chairman, of Fort Worth, Tarrant County. (Reappointment.)

Bob Martin, of Del Rio, Val Verde County. (Reappointment.)

Roy Jackson, of Laredo, Webb County. (Reappointment.)

To be Members of the Texas Civil Judicial Council:

Judge R. W. Hall, of Amarillo, Potter County. (Reappointment.)

Judge James W. McClendon, of Austin, Travis County. (Reappointment.)

Judge W. R. Chapman, of Abilene, Taylor County. (Reappointment.)

Paul Bolton, of Austin, Travis County, to succeed Roscoe B. Fleming, resigned.

To be Members of the Board of Directors of the Upper Colorado River Authority:

Six-year terms:

G. C. Allen, of Coke County.

C. S. Coleman, of Runnels County.

H. G. Wendland, of Tom Green County.

Four year term, to fill vacancy created by election of Penrose B. Metcalfe as member of Legislature:

W. D. Holcombe, of Tom Green County.

In submitting the names of my appointees heretofore on the Texas Unemployment Compensation Commission, I failed to designate the terms for these appointments. I hereby respectfully designate them as follows:

Two-year term—Wallace Reilly, of Dallas, Dallas County.

Four-year term—R. B. Anderson, of Cleburne, Johnson County.

Six-year term—C. R. Miller, of Austin, Travis County.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

The message was read and was referred by the President to the Committee on Nominations of the Governor.

Senate Concurrent Resolution No. 10.

Senator Holbrook called up from the President's table, with House amendment, for consideration of the amendment:

S. C. R. No. 10, in memory of Dr. James Quayle Dealey.

The President laid the resolution before the Senate and the amendment was read.

On motion of Senator Holbrook, the Senate concurred in the House amendment.

Recess.

On motion of Senator Woodruff, the Senate, at 12 o'clock m., took recess to 2 o'clock p. m. today.

Afternoon Session.

The Senate was called to order at 2 o'clock p. m. by the President.

Motion to Adjourn.

Senator Woodruff moved that the Senate adjourn until 10 o'clock a. m., tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—None

Nays—19.

Aikin.	Neal.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Roberts.
Head.	Van Zandt.
Holbrook.	Weinert.
Isbell.	Winfield.
Lemens.	Woodruff.
Moore.	

Present—Not Voting.

Nelson.

Absent.

Beck.	Stone.
Davis.	Sulak.
Redditt.	Westerfeld.
Spears.	

Absent—Excused.

Hill.	Shivers.
Newton.	Small.

Call of the Senate.

The roll call on the motion to adjourn disclosed that there was not a quorum of the Senate present.

Senator Van Zandt moved a call of the Senate for the purpose of securing a quorum.

Senator Rawlings, as a substitute, moved a call of the Senate to secure and maintain a quorum, pending consideration of S. R. No. 3, and the substitute motion was duly seconded.

The President directed the Door-keeper and Sergeant-at-Arms to close all doors leading from the hall of the Senate Chamber and permit no Senator to leave the hall, and he directed the Sergeant-at-Arms to enforce the attendance of absent Senators.

The President directed the Secretary to call the roll of the Senate.

The roll was called and the following Senators were present:

Aikin.	Neal.
Brownlee.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Head.	Roberts.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Winfield.
Moore.	Woodruff.

The following Senators subsequently entered the Senate Chamber and were announced present:

Beck.	Stone.
Davis.	Sulak.
Redditt.	Westerfeld.
Spears.	

The President announced a quorum present.

Senate Resolution No. 3.

The Senate resumed consideration of S. R. No. 3, relating to the rules of the Senate, with committee amendments, offered by Senator Rawlings, as amended, pending.

The President announced that the committee amendments would now be considered seriatim.

Committee Amendment No. 1 was read and was adopted.

Committee Amendment No. 2 was read.

Senator Nelson moved to table the Committee Amendment No. 2.

The motion to table was lost by the following vote:

Yeas—24.

Aikin.	Neal.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Spears.
Head.	Stone.
Holbrook.	Sulak.
Isbell.	Weinert.
Lemens.	Winfield.
Moore.	Woodruff.

Nays—3.

Nelson.	Westerfeld.
Van Zandt.	

Absent—Excused.

Hill.	Shivers.
Newton.	Small.

Senator Woodruff offered the following substitute for Committee Amendment No. 2:

Amend S. R. No. Three (3) by striking out the last sentence of the paragraph under "Rule No. Fifteen (15) is amended to read as follows:" and insert in lieu thereof the following:

"If a point of order is raised that the member occupying the floor is using dilatory tactics by indulging in remarks that are not germane to the subject under consideration and seconded by a majority of the members present, the President shall sustain the point of order, and the member so speaking shall be called immediately to order and be required to take his seat."

Senator Rawlings moved to table the substitute.

Yeas and nays were demanded, and the vote on the motion to table was announced yeas 13, nays 13.

The President voted yea, and the motion to table prevailed by the following vote:

Yeas—14.

Mr. President.	Rawlings.
Brownlee.	Redditt.
Burns.	Roberts.
Holbrook.	Spears.
Moore.	Stone.
Neal.	Weinert.
Oneal.	Winfield.

Nays—13.

Aikin.	Nelson.
Beck.	Pace.
Cotten.	Sulak.
Davis.	Van Zandt.
Head.	Westerfeld.
Isbell.	Woodruff.
Lemens.	

Absent.

Collie.

Absent—Excused.

Hill.	Shivers.
Newton.	Small.

Committee Amendment No. 2 was then adopted by the following vote:

Yeas—22.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Spears.
Holbrook.	Stone.
Isbell.	Sulak.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.

Nays—5.

Davis.	Van Zandt.
Head.	Westerfeld.
Nelson.	

Absent—Excused.

Hill.	Shivers.
Newton.	Small.

Committee Amendment No. 3 was read and was adopted.

Committee Amendment No. 4, as amended by amendment of Senator Aikin, was read and was adopted.

Committee Amendment No. 5 was read and was adopted.

Committee Amendment No. 6 was read and was adopted.

Question recurred—Shall the resolution as amended be adopted?

Senator Woodruff offered the following amendment to the resolution as amended:

Amend S. R. No. 3, as amended by adding at the end of proposed Rule 99b the following:

Provided, that any motion to substitute the minority for the majority report, shall be privileged.

(Senator Holbrook in the Chair.)

The amendment was adopted.

Senator Nelson offered the following amendment to the resolution as amended:

Amend S. R. No. 3 as amended by Committee Amendment No. 2, by striking out proposed Rule No. 15.

Senator Rawlings moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—11.

Brownlee.	Redditt.
Burns.	Roberts.
Holbrook.	Stone.
Moore.	Weinert.
Neal.	Woodruff.
Rawlings.	

Nays—14.

Aikin.	Nelson.
Beck.	Oneal.
Collie.	Pace.
Cotten.	Sulak.
Head.	Van Zandt.
Isbell.	Westerfeld.
Lemens.	Winfield.

Present—Not Voting.

Spears.

Absent.

Davis.

Absent—Excused.

Hill.	Shivers.
Newton.	Small.

The amendment was lost by the following vote:

Yeas—13.

Aikin.	Oneal.
Beck.	Pace.
Collie.	Sulak.
Cotten.	Van Zandt.
Head.	Westerfeld.
Lemens.	Winfield.
Nelson.	

Nays—13.

Brownlee.	Redditt.
Burns.	Roberts.
Davis.	Spears.
Holbrook.	Stone.
Moore.	Weinert.
Neal.	Woodruff.
Rawlings.	

Present—Not Voting.

Isbell.

Absent—Excused.

Hill.

Shivers.

Newton.

Small.

The resolution as amended was then adopted by the following vote:

Yeas—20.

Aikin.

Moore.

Brownlee.

Neal.

Burns.

Oneal.

Collie.

Rawlings.

Cotten.

Redditt.

Davis.

Roberts.

Head.

Spears.

Holbrook.

Stone.

Isbell.

Weinert.

Lemens.

Winfield.

Nays—6.

Beck.

Van Zandt.

Nelson.

Westerfeld.

Pace.

Woodruff.

Absent.

Sulak.

Absent—Excused.

Hill.

Shivers.

Newton.

Small.

(President in the Chair.)

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 27, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 174, A bill to be entitled "An Act making an appropriation from the State Treasury for the preparation, checking, investigation, and correction of the scholastic census and for accounting and investigation necessary in the approval of transfers to the Census Division to the State Department of Education; providing money for salaries, wages, rent, equipment, supplies, printing, and necessary traveling expenses incident thereto for the sum of Fifteen Thousand (\$15,000.00) Dollars for

the year ending September first, 1937, and declaring an emergency."

H. B. No. 238, A bill to be entitled "An Act making appropriations to defray the costs assessed against the State of Texas of the Rio Grande joint investigation being conducted by the National Resources Committee, through the Water Resources Committee, constituted under Act of Congress, and making appropriations to pay the court costs and expenses of the Attorney General in the prosecution of the complaint of the State of Texas in the cause of the State of Texas vs. the State of New Mexico, et al., No. 12 Original, October Term, 1936, in the Supreme Court of the United States, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

House Bills on First Reading.

The following House bills, received from the House today, were laid before the Senate, read severally first time, and referred by the President to the committee indicated:

H. B. No. 238, to Committee on Finance.

H. B. No. 174, to Committee on Finance.

House Concurrent Resolution No. 13.

The President laid before the Senate, and had read, the following resolution received from the House today:

H. C. R. No. 13, Providing for a joint committee of the House and Senate to enter into a compact with officials of the State of Oklahoma with reference to the use of Red River by citizens of Texas.

On motion of Senator Van Zandt and by unanimous consent, the rule of the Senate requiring resolutions to be referred to a committee was suspended to permit consideration of the resolution at this time.

Senator Van Zandt offered the following amendment to the resolution:

Amend H. C. R. No. 13 by changing the resolving clause to read as follows:

"Therefore be it resolved by the House of Representatives of the State of Texas, the Senate concurring, that a committee be created, three to be appointed by the Speaker

of the House, three by the President of the Senate, and one member of the Attorney General's staff shall constitute the seventh member thereof."

The amendment was adopted.

The resolution as amended was adopted.

Record of Vote.

Senator Collie asked to be recorded as having voted "nay" on the adoption of the amendment to H. C. R. No. 13 and on the adoption of the resolution.

Senate Resolution No. 4.

The President laid before the Senate, for consideration at this time (the resolution heretofore having been reported favorably by the Committee on Rules):

S. R. No. 4, To provide for permanent rules of the Senate Nos. 102 to 107, inclusive, relating to consideration and passage of bills during the earlier days of the Regular Session of the Legislature.

Senator Woodruff offered the following substitute for the resolution:

Amend S. R. No. 4 by striking out the first paragraph thereof and substituting the following:

"Be it resolved by the Senate of the State of Texas, that the general rules of the Senate, Numbers 102 to one hundred seven (107), inclusive, of the Forty-fourth Legislature, as printed on pages 284 to 286, inclusive, of the Texas Legislative Manual, Forty-fourth Legislature, 1925, be adopted as the permanent rules of the Texas Senate for the Forty-fifth Legislature."

Senator Rawlings moved to table the substitute.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—13.

Aikin.	Rawlings.
Brownlee.	Redditt.
Davis.	Roberts.
Holbrook.	Shivers.
Moore.	Stone.
Pace.	Weinert.

Nays—16.

Beck.	Cotten.
Burns.	Head.
Collie.	Hill.

Isbell.	Spears.
Lemens.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Winfield.
Oneal.	Woodruff.

Absent.

Sulak.

Absent—Excused.

Newton.

Small.

Question recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—18.

Beck.	Neal.
Burns.	Nelson.
Collie.	Oneal.
Cotten.	Spears.
Davis.	Sulak.
Head.	Van Zandt.
Hill.	Westerfeld.
Isbell.	Winfield.
Lemens.	Woodruff.

Nays—11.

Aikin.	Redditt.
Brownlee.	Roberts.
Holbrook.	Shivers.
Moore.	Stone.
Pace.	Weinert.
Rawlings.	

Absent—Excused.

Newton.

Small.

Question—Shall the resolution as substituted be adopted?

The Secretary was directed to call the roll, and the resolution was lost by the following vote (not receiving the necessary vote of four-fifths of the membership of the Senate):

Yeas—19.

Beck.	Nelson.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Spears.
Davis.	Sulak.
Head.	Van Zandt.
Hill.	Westerfeld.
Isbell.	Winfield.
Lemens.	Woodruff.
Neal.	

Nays—10.

Aikin.	Holbrook.
Brownlee.	Moore.

Rawlings.
Redditt.
Roberts.

Shivers.
Stone.
Weinert.

Absent—Excused.

Newton. Small.

House Bill No. 174.

Senator Woodruff moved that the constitutional rule limiting consideration of bills during the earlier days of the Regular Session of the Legislature be suspended to allow consideration of H. B. No. 174 by the Committee on Finance and its passage by the Senate.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the membership of the Senate):

Yeas—13.

Brownlee. Neal.
Collie. Roberts.
Davis. Spears.
Head. Stone.
Holbrook. Sulak.
Isbell. Woodruff.
Lemens.

Nays—16.

Aikin. Pace.
Beck. Rawlings.
Burns. Redditt.
Cotten. Shivers.
Hill. Van Zandt.
Moore. Weinert.
Nelson. Westerfeld.
Oneal. Winfield.

Absent—Excused.

Newton. Small.

Senate Bill No. 82.

Senator Burns moved that the constitutional rule limiting consideration and passage of bills during the earlier days of the Regular Session of the Legislature be suspended to allow consideration by the Committee on State Highways and Motor Traffic of S. B. No. 82.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the membership of the Senate):

Yeas—14.

Aikin. Collie.
Burns. Head.

Hill.
Moore.
Oneal.
Pace.
Rawlings.

Redditt.
Roberts.
Shivers.
Westerfeld.
Woodruff.

Nays—13.

Beck. Neal.
Brownlee. Stone.
Cotten. Sulak.
Davis. Van Zandt.
Holbrook. Weinert.
Isbell. Winfield.
Lemens.

Present—Not Voting.

Nelson.

Absent.

Spears.

Absent—Excused.

Newton. Small.

House Bill No. 65.

Senator Holbrook moved that the constitutional rule limiting consideration and passage of bills during the earlier days of the Regular Session of the Legislature be suspended to allow consideration by the Committee on Finance of H. B. No. 65 and its passage by the Senate.

The motion prevailed by the following vote:

Yeas—27.

Beck. Oneal.
Brownlee. Pace.
Burns. Rawlings.
Collie. Redditt.
Cotten. Roberts.
Davis. Shivers.
Head. Stone.
Hill. Sulak.
Holbrook. Van Zandt.
Isbell. Weinert.
Lemens. Westerfeld.
Moore. Winfield.
Neal. Woodruff.
Nelson.

Nays—1.

Aikin.

Absent.

Spears.

Absent—Excused.

Newton.

Small.

Senate Resolution No. 15.

Senator Roberts, by unanimous consent, offered the following resolution at this time:

Whereas, For many years the economic and material advancement of Texas has been impeded through lack of a proper means of publicizing the wealth of natural resources and commercial opportunities to Texas citizens and residents in other parts of the Nation; and

Whereas, The Senate of the Legislature of the State of Texas recognizes the importance of calling the attention of the outside world to the matchless advantages offered in the great Southwest to the end that Texas will continue to grow and expand; and

Whereas, The proper promotion of a sound system of State highways is essential to the social and economic welfare of the State and is vital to the State's progress; and

Whereas, Texas should and could become one of the leading states in the field of attracting tourist traffic due to its natural climatic and other advantages, including its position as the gateway to Mexico via the Pan-American Highway, through proper presentation to the outside world; and

Whereas, Safety on the highways of Texas is becoming increasingly important and efforts along this line should be adequately publicized; and

Whereas, Under the leadership of Col. Ike Ashburn there is being published a monthly magazine, "Texas Parade," devoted to presenting information concerning Texas, to a stimulation of highway travel, with due regard to the safety of human lives and property, and to publicizing its natural resources of oil, timberland, ports, cities and ranching and agricultural opportunities; and

Whereas, The information given in this publication has proven of great value in educating citizens of this State as well as those of other commonwealths; now, therefore, be it

Resolved by the Senate of the State of Texas, That it extend its hearty congratulations to Col. Ike Ashburn and his associates in this enterprise and wish them continued success in this important work.

(Signed) Roberts, Weinert, Holbrook, Head, Collie, Beck.

On motion of Senator Roberts, and by unanimous consent, the resolution was considered at this time.

The resolution was adopted.

Senate Bills and Joint Resolution on First Reading.

The following Senate bills and joint resolution, by unanimous consent, were introduced, read severally first time, and referred by the President to appropriate committees as follows:

By Senator Rawlings:

S. B. No. 158, A bill to be entitled "An Act amending Article 535, R. C. S. Texas, 1925; providing shares transferable only on corporation's books; imposing a duty on officers to transfer; repealing Article 1344, R. C. S. Texas, 1925; providing that this Act shall become the law and be effective only if, as, and when the Senate Joint Resolution No. 9 of the Forty-fifth Legislature shall have been adopted as an amendment to the Constitution of Texas; providing a savings clause; declaring the policy, and declaring an emergency."

Referred to Committee on Banking.

By Senators Newton and Cotten:

S. B. No. 159, A bill to be entitled "An Act authorizing the State Board of Health to divide the State into twelve or more health districts and to employ certain named employees and making an appropriation for the support and maintenance of said districts and payment of salaries of employees and declaring an emergency."

Referred to Committee on Finance.

By Senator Brownlee:

S. B. No. 160, A bill to be entitled "An Act providing for emergency relief for certain school districts in Texas to aid certain districts in the payment of teachers salaries and in equipping certain school buildings in certain districts in which there has been an influx of children within scholastic age since the last scholastic enumeration in the State; making an appropriation to each of said districts for said purposes; prescribing the manner of disbursing the funds appropriated by this Act; and declaring an emergency."

Referred to Committee on Finance.

By Senator Rawlings:

S. J. R. No. 9, Proposing an amendment to Section 16, Article

XVI, of the Constitution of Texas; providing that the Legislature shall authorize the incorporation of banking bodies and provide for the supervision and regulation of same; providing for all of the capital stock to be subscribed and paid for before charter issued; restricting foreign corporations from doing banking business; restricting corporate business to one place.

Referred to Committee on Constitutional Amendments.

Senate Concurrent Resolution No. 12.

Senator Sulak, by unanimous consent, offered the following resolution:

S. C. R. No. 12, Granting A. J. Laas permission to sue the State of Texas, and the State Highway Department.

The resolution was read and was referred by the President to the Committee on State Affairs.

Adjournment.

On motion of Senator Van Zandt, the Senate, at 5:05 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

ELEVENTH DAY.

(Thursday, January 28, 1937)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

The following Senator was absent and excused:

Newton.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with on motion of Senator Aikin.

Leave of Absence Granted.

Senator Newton was granted leave of absence for today on account of illness, on motion of Senator Oneal.

Bill and Resolutions Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following bill and resolutions:

H. B. No. 69, "An Act to declare a closed season on the killing of quail and bobwhites in Van Zandt County for a period ending January 15, 1939, prescribing a penalty therefor, and declaring an emergency."

H. C. R. No. 5, Relating to adjournment of the House and the Senate for a period of more than three days.

H. C. R. No. 6, Relating to payment of expenses of the inauguration of the Governor and Lieutenant Governor.

Message From the Governor.

The President laid before the Senate, and had read, the following message from the Governor:

Austin, Texas, Jan. 28, 1937.

To the Members of the Forty-fifth Legislature:

Supplementing messages heretofore delivered, I respectfully recommend to you the following:

1.

Liquor Law Enforcement.

After slightly more than a year of efforts to regulate the liquor traffic under the present law, we are now in a position to fairly judge the defects of enforcement; and to suggest appropriate remedies. The State has secured substantial revenues from the tax on liquors; but social problems far more important are involved. Of necessity, the present law, passed in the emergency just after repeal was voted by the people, has been largely experimental. Again, necessarily, the only method of approaching satisfactory solution of these vexatious problems is the tedious process of trial and error.

We all recognize the evils inherent in the use of liquor. The peo-